

Criminal liability of health-care providers

Abstract

This diploma thesis focuses on the criminal liability of the health-care providers. Its main objective is to provide a comprehensive overview of the fundamental issues, such as who can be a provider, what is the definition of healthcare services and what are the possible conditions of criminal liability. Another aim is to provide an overview of selected offenses that can be committed in connection with providing healthcare services and summary of the relevant legislation in the United Kingdom of Great Britain and Northern Ireland and in the Federal Republic of Germany. In this thesis, I mostly use the methods of description, analysis and comparison.

The thesis is divided into six chapters, which follow a logical order. The first chapter explains the key concepts. Specifically, it is the definition of healthcare services, facilities and providers, lege artis procedure, informed consent and criminal liability. The second chapter focus on the criminal liability of natural persons, on the definition of a criminal offence and also the relevant circumstances excluding liability from the provision of healthcare point of view. The third chapter deals with the criminal liability of legal persons and their possible exculpation. The fourth chapter analyses selected crimes that may occur in connection with providing healthcare services. The fifth chapter is devoted to the legislation in the Federal Republic of Germany and chapter six provides an overview of legal regulation in the United Kingdom of Great Britain and Northern Ireland. The last two chapters include an evaluation and a comparison with the Czech legislation as well.

The conclusion of the diploma thesis concentrates on the final evaluation of the abovementioned issues and provides some food for thought for Czech legislators who could possibly draw inspiration from abroad. Moreover, I also point out to the deficiencies, especially in the area of the criminal liability of legal persons and in the shortage of statistics on healthcare crime.